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PREFATORY NOTE

The purpose of this List is to supply material for a study of the Supreme Court of the United States.

The List is in four sections: The first containing general works on the court; the two next, the reports and digests; and the last, biographical material on the chief justices and associate justices. With this last section are noted some of the more important writings of the chief justices. It was found inexpedient at this time to include the pamphlet literature produced by the earlier justices. Should a second edition be called for it is hoped to include this material.

The List does not attempt the completeness of a bibliography. A great number of unimportant United States documents, for instance, have been purposely omitted. They consisted mostly of reports, resolutions, etc., which affected the Supreme Court very slightly, if at all. To have included them would have cumbered the list with material of little moment, sufficiently indicated in the existing indexes to United States documents.

The series of lists of which this is an example are undertaken in the Division of Bibliography and issued over the signature of the Chief Bibliographer. The responsibility for the inclusion or exclusion of titles rests, of course, with him. In all of the lists, however, the division draws freely upon other divisions of the Library for information, and particularly upon its former chief, the present Chief Assistant Librarian, for criticism and suggestion.

This aid is cordially given, of great value, and heartily appreciated; and if it is not specifically acknowledged in the preface to each list, the omission is merely to save repetition of a fact familiar within the Library and a matter of administrative, rather than of public interest.

H. H. B. Meyer
Chief Bibliographer

Herbert Putnam
Librarian of Congress
Washington, D. C., May 10, 1909

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LIST OF BOOKS RELATING TO THE SUPREME COURT OF THE UNITED STATES

Adams, John *and* William **Brattle**. The independence of the judicary.

(*In* The works of John Adams, vol. 3, pp. 511–574. Boston, 1851. 8°.)

American bar association. Report of some members of the committee of the American bar association, on the subject of delays incident to the determination of suits in the United States Supreme Court.

New Haven, Conn.: Tuttle, Morehouse & Taylor, printers, 1882. 34, (2) pp. 8°.

Ames, Herman Vandenburg. The proposed amendments to the Constitution of the United States during the first century of its history.

Washington: Government printing office, 1897. 442 pp. 8°. (American historical association. Annual report for 1896, vol. 2.)

"Amendments affecting the form of the Judiciary department," pp. 144–164.

Resolutions proposing amendments which have regard to the choice of judges are noted by Ames as follows: 1808, Apr. 12, 10th Cong., 1st sess., Senate Journal, p. 273; Annals of Congress, cols. 356–358. 1867, Jan. 21, 39th Cong., 2d sess., House Journal, p. 202; Globe, p. 616. 1868, May 18, 40th Cong., 2d sess., House Journal, p. 703; Globe, p. 2527. 1881, Dec. 10, 47th Cong., 1st sess., Senate Journal, p. 103; Record, p. 85. 1882, Jan 18, 47th Cong., 1st sess., Senate Journal, p. 198; Record, p. 471. 1883, Dec. 10, 48th Cong., 1st sess., Senate Journal, p. 64; Record, p. 54.

Ashley, Roscoe Lewis. The American federal state; a text-book in civics for high schools and academies.

New York, London: The Macmillan co., 1902. xlv, 599 pp. 8°.

Bibliography: p. x–xii; list of "general references" at head of each chapter except the last.

The judicial department, pp. 316–325.

Bailey, W. F. The law of jurisdiction, including impeachment of judgments, liability for judicial acts, and special remedies.

Chicago: T. H. Flood & co., 1899. 2 vols. 8°.

Baker, A. J. Annotated Constitution of the United States.
Chicago: Callaghan and company, 1891. lxxxvii, (1), 279 pp. 8°.

Judicial department, pp. 119–151.

Baldwin, Simeon Eben. The American judiciary.
New York: The Century co., 1905. xiii, 403 pp. 12°. (The American state series.)

CONTENTS.—The nature and scope of the judicial power in the United States; The organization and practical working of American courts; Part 1. English origin and early development of the American judiciary; The separation of the judicial power from the legislative and executive in American constitutions; The relations of the judiciary to the political departments of government; The force of judicial precedents; The judicial power of developing unwritten law; The judicial power of interpreting and developing written law; The judicial power of declaring what has the form of law not to be law. Part 2. The organization of the courts of the states; The organization of the courts of the United States; Relations of the state judiciary to the United States, and of the United States judiciary to the states; Relations between the courts of different states; Trial by jury; Formalities in judicial procedure; Trial courts for civil causes; Probate courts; Bankruptcy and insolvency courts; Criminal procedure; The exercise of judicial functions out of court; Appellate courts; The enforcement of judgments and punishment of contempts of courts; Judicial proceedings in territories subject to martial law; Appointment, tenure of office and compensation of judges; The character of the bar and its relations to the bench; The law's delay; The attitude of the people toward the judiciary; Index.

——— The American system of supreme courts and what it accomplishes.

(*In* La Follette, Robert M. *ed.* The making of America, vol. 2, pp. 76–92. Chicago, 1906. 8°.)

Bancroft, George. History of the formation of the Constitution of the United States of America.
New York: D. Appleton and company, 1882. 2 vols. 8°.

The federal judiciary, vol. 2, pp. 195–206.

Bates, C. Lee. Federal equity procedure; a treatise on the procedure in suits in equity in the circuit courts of the United States including appeals and appellate procedure.
Chicago: T. H. Flood and co., 1901. 2 vols. 8°.

Bates, C. Lee. Federal procedure at law; a treatise on the procedure in suits at common law in the circuit courts of the United States; accompanied with, as a basis of federal judicial procedure, a statement of the dual system of government created by the federal constitution and the constitutional limitations imposed upon the state and federal governments and the creation of the federal judicial system and the jurisdiction of all the federal courts.

Chicago: T. H. Flood and company, 1908. 2 vols. 8°.

Beach, Charles Fisk, *jr.* Modern pleading and practice in equity in the federal and state courts of the United States, with particular reference to the federal practice, including numerous forms and precedents.

Cincinnati: W. H. Anderson and company, 1900. 2 vols. 8°.

Bigelow, John. The Supreme Court and the Electoral commission; an open letter to the Hon. Joseph H. Choate.

New York & London: G. P. Putnam's sons, 1903. (2), 23 pp. 8°.

"First appeared in the New York Sun on the 19th of July, 1903."

Black, Henry Campbell. Handbook of American constitutional law.

St. Paul, Minn.: West publishing co., 1895. xxiv, 627 pp. 8°.

Federal jurisdiction, pp. 114–148.

Boutwell, George S. The Constitution of the United States at the end of the first century.

Boston, U. S. A.: D. C. Heath & co., 1895. xviii, 412 pp. 8°.

Judicial power, its extent, pp. 302–314; Jurisdiction of the Supreme Court, original and appellate, p. 315.

Brewer, David Josiah. Address: Two periods in the history of the Supreme court, delivered by Justice David J. Brewer . . . at the eighteenth annual meeting held at Hot Springs of Virginia, August 7th, 8th and 9th, 1906.

Richmond, Va.: Richmond press, 1906. 24 pp. 8°.

At head of title: The Virginia state bar association.

Brown, Henry Billings. The judiciary.

(*In* Walker, Duncan S. Celebration of the one hundredth anniversary of the laying of the corner stone of the capitol of the United States, pp. 74–79. Washington, 1896. 4°.)

Brown, Timothy. Commentaries on the jurisdiction of courts. 2d ed.
Chicago: Callaghan & co., 1901. ccxxxiii, 824 pp. 8°.

Bryant, Edwin Eustace. The Constitution of the United States, with notes of the decisions of the Supreme court thereon, from the organization of the court till October, 1900.
Madison, Wis.: The Democrat printing co., 1901. x, 418 pp. 12°.

The judicial power, pp. 221–243.

Bryce, James. The American commonwealth. 3d edition. Completely revised throughout.
New York: Macmillan and co., 1893–1895. 2 vols. 8°.

The federal courts, vol. 1, pp. 228–240; The courts and the constitution, pp. 241–260; The working of the courts, pp. 261–276.

Bullitt, William Grigsby. Review of the Constitution of the United States; including changes by interpretation and amendment; for lawyers and those not learned in the law.
Cincinnati: The R. Clarke co., 1899. xii, 360 pp. 8°.

Organization of the judicial department, pp. 236–267.

Butler, William Allen. The origin of the Supreme Court of the United States and its place in the constitution.

(*In* Carson, Hampton L. The Supreme Court of the United States, part 2, pp. 602–625. Philadelphia, 1892. 4°.)

Carson, Hampton Lawrence. The Supreme Court of the United States: its history, by Hampton L. Carson; and its centennial celebration, February 4, 1890. Prepared under direction of the Judiciary centennial committee.
Philadelphia: A. R. Keller company, 1892. 2 vols. Portraits. 4°.

Contains biographical sketches with portraits of Jay, Rutledge, Cushing, Harrison, Wilson, Blair, Iredell, Thomas Johnson, Paterson, Ellsworth, Chase, Washington, Moore, Marshall, William Johnson, Livingston, Todd, Duvall, Story, Thompson, Trimble, McLean, Baldwin, Wayne, Taney, Barbour, Catron, McKinley, Daniel, Nelson, Woodbury, Grier, Curtis, Campbell, Salmon P. Chase, Clifford, Swayne, Miller, Davis, Field, Strong, Bradley, Hunt, Waite, Harlan, Woods, Matthews, Gray, Blatchford, Lamar, Fuller, Brewer, Brown, and Shiras.

——— The history of the Supreme Court of the United States; with biographies of all the chief and associate justices. A. D.

1790–1902 . . . with portraits of the 58 judges engraved by Max and Albert Rosenthal.

Philadelphia: P. W. Ziegler and company, 1902. 2 vols. Frontispieces. Portraits. 8°.

Contains sketches of all the chief justices and justices as noted above with the following additional: Howell E. Jackson, Edward D. White, Rufus W. Peckham, Joseph McKenna.

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Boston: Little, Brown, and company, 1899. xxviii, 303 pp. 8°.

Centennial celebration of the organization of the Federal judiciary, held at New York, February 4, 1890.

(*In* United States reports, vol. 134, J. C. Bancroft Davis, reporter, pp. 711–762. New York, 1890. 8°.)

——— Addresses of Chief Justice Fuller and Associate Justice Field, delivered at the Metropolitan opera house, together with the speech of Associate Justice Harlan, made at the banquet in the evening.

Washington, 1890. 31 pp. 8°.

Clark, Walter. The next constitutional convention of the United States. Some defects in the Constitution; necessity for a constitutional convention to revise it. Address delivered before the University of Pennsylvania, at Philadelphia, April 27, 1906.

(*In* The Albany law journal, vol. 68, May, 1906, pp. 145–153.) The Supreme Court, pp. 151–152.

Conkling, Alfred. A treatise on the organization, jurisdiction, and practice of the courts of the United States. 5th ed.

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(*In* his Constitutional history of the United States as seen in the development of American law, pp. 28–52. New York, 1889. 8°.)

——— The general principles of constitutional law. 3d edition. By A. C. McLaughlin.

Boston: Little, Brown & co., 1898. li, 423 pp. 12°. (The students' series, vol. 7.)

The judicial department of the federal government, pp 52–54, 123–159.

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Judicial power of the United States. *See* Index.

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(*In* Ohio state bar association. Reports, vol. 11, pp. 245–275. Cleveland, O., 1890. 8°.)

Coxe, Brinton. An essay on judicial power and unconstitutional legislation, being a commentary on parts of the Constitution of the United States.
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Philadelphia: T. & J. W. Johnson, 1854. xxiv, 635 pp. 8°.

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Geo. W. Olivier, publisher, University of Virginia, [1897]. 260 pp. 8°.

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New York and Albany: Banks & brothers, 1889. cclxxx, pp. 8°. (*U. S. Reports, Vol. 131.*)

"Thus it will be seen that the first century of the existence of this court expires between the close of the present term and the opening of October Term, 1889. In view of this fact, after consultation with friends in whose judgment I place confidence, I have gathered together several matters connected with the judicial history and decisions of the highest courts of the United States prior to the adoption of the Constitution; and I have placed them in this Appendix, in order that they may be preserved in connection with the decisions of the highest court since its adoption, and in the belief that they will prove interesting and useful to the practising constitutional lawyer, as well as to the student of our judicial system." p. xii.

CONTENTS.—Justices of the Supreme Court commissioned during the period covered by this appendix, pp. v–x; Federal courts prior to the adoption of the Constitution; Omitted cases in the Reports of the Decisions of the Supreme Court of the United States; List of cases in which statutes or ordinances have been held to be repugnant to the Constitution or Laws of the United States, in whole or in part, by the Supreme Court of the United States, from the organization of the court to the end of the October term, 1888.

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Desty, Robert. A manual of practice in the courts of the United States . . . 9th ed. Revised and brought to date . . . by M. A. Folsom . . . together with a volume of forms, adapted and referring to this manual. By C. H. Tebbs.

San Francisco: Bancroft–Whitney co., 1899. 4 vols. 12°.

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New York: The Banks law publishing company, 1907. v, (2), 775 pp. 8°.

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Philadelphia: Abraham Small, 1824. xxxiii, (5), 254 pp. 8°.

Dwyer, John William. The law and procedure of United States courts.

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Washington: For the editor, 1836. 4 vols. 8°.

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Field, Stephen Johnson. The centenary of the Supreme Court.
(*In* Carson, Hampton L. The Supreme Court of the United States, part 2, pp. 704–725. Philadelphia, 1892. 4°.)

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Washington, D. C.: J. Byrne & co., 1898. (4), 100 pp. Portrait. 12°.

Garland, Augustus Hill, Robert **Ralston**, *and* John H. **Ingham**. A treatise on the constitution and jurisdiction of the United States courts, on pleading, practice and procedure therein and on the powers and duties of United States commissioners, with rules of the court and forms.
Philadelphia: T. & J. W. Johnson & co., 1898. 2 vols. 8°.

Gauss, Henry Colford. The American government, organization and officials, with the duties and powers of federal office holders; an original summarization by H. C. Gauss, with a compilation of data from official sources.
New York: L. R. Hamersley & co., 1908. xxiii, 871 pp. 8°.

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Of the rules of practice of the Supreme Court, pp. 143–180.

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——— Extent of the powers of the judicial department.

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——— Some miscellaneous questions regarding the judiciary.

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Harlan, John Marshall. The Supreme Court of the United States.

(*In* Carson, Hampton L. The Supreme Court of the United States, part 2, pp. 725–732. Philadelphia, 1892. 4°.)

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San Francisco: Sumner Whitney & co., 1886. xvii, 550 pp. 16°.

Herbert, Hilary A. The Supreme Court of the United States and its functions.

(*In* Pennsylvania bar association. Report of the third annual meeting, 1897, pp. 155–178. Philadelphia, 1897. 8°.)

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Washington: Gales & Seaton, 1830. 40 pp. 8°.

Pp. 7–40 give: Appendix. Propositions for amending the Constitution of the United States: Submitted by Mr. Hillhouse to the Senate, on the twelfth day of April, 1808, with his explanatory remarks. New Haven: Printed by Oliver Steele & co., 1808.

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Hitchcock, Henry. The Supreme Court and the Constitution.

(*In* Carson, Hampton L. The Supreme Court of the United States, part 2, pp. 626–664. Philadelphia, 1892. 4°.)

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St. Paul, Minn.: West publishing co., 1904. xviii, 634 pp. 8°. (The hornbook series, 30.)

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Boston and New York: Houghton, Mifflin & co., 1889. xv, 322 pp. 8°.

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New York, London [*etc.*]*: Longmans, Green, and co., 1905.* *xxxviii, 438 pp.* 8°. (*American citizen series, ed. by A. B. Hart.*)

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Madison, James. Debates on the adoption of the Federal Constitution, in the convention held at Philadelphia, in 1787; with a diary of the debates of the congress of the Confederation. . . . Revised and newly arranged by Jonathan Elliot. Complete in one volume. Vol. V. Supplementary to Elliot's Debates. Published under the sanction of Congress.

Washington: Printed for the editor, 1845. *xxii, 641 pp.* 8°.

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Chicago: Scott, Foresman and co., 1898. 2 vols. 8°.

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——— The Supreme Court of the United States. A discussion of its wants and the remedy for them, with the draught of a statute embodying a plan of relief.
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Paschal, George W. The Constitution of the United States defined and carefully annotated. With an appendix, supplement, and index thereto. [3d edition.]

Washington, D. C.: William H. Morrison, 1882. xx, xxa–xxc, (1), [xxi]–lxxii, 644 pp. 8°.

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Philadelphia: T. & J. W. Johnson & co., 1904. xli, 347 pp. 8°.

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Austin: Swindells printing house, 1883. xlvii, 425 pp. 8°.

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See also page 48. (Curtis, W. E.)
See also page 50. (U. S. *Supreme Court*)
See also page 51. (Waterloo, S.)
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ASSOCIATE JUSTICES OF THE SUPREME COURT OF THE UNITED STATES

HENRY BALDWIN

Brown, David Paul. Henry Baldwin, LL. D.

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See also page 8. (Carson, H. L.)

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See also page 50. (U. S. *Supreme Court*)

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See also page 23. (U. S. *Electoral comm.*)
See also page 50. (U. S. *Supreme Court*)

BENJAMIN ROBBINS CURTIS

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WILLIAM CUSHING

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See also page 50. (U. S. *Supreme Court*)

WILLIAM R. DAY

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STEPHEN JOHNSON FIELD

The **Attempt** to assassinate Mr. Justice Field.

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[*Washington, D. C., 1893.*] *vii, 406 pp. 12°.*

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[**Gorham**, George Congdon] *comp.* Biographical notice of Stephen J. Field. Taken partly from the Record of the family of the late Rev. David D. Field, of Stockbridge, Mass., compiled by his youngest son, Henry M. Field, and partly from documents in the possession of different members of the family.

[*Washington, D. C.*] *Not published, but printed only for the use of the family* [*1892?*] *112 pp. 8°.*

Issued anonymously.

Judge Field. Sound in doctrine, brave in deed. An ardent view of his fitness for the Democratic candidacy.

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Caption title.

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(*In his* Distinguished American lawyers, pp. 373–378. New York, 1891. 8°.)

Stephen J. Field arrested for conspiracy and murder of the Hon. David S. Terry. Some of the reasons why he did not dare stand an investigation, but attempted to stigmatize the judge's wife in an application to Governor Waterman of California begging to be released.

Fresno, Cal., 1889. 21 pp. 8°.

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Turner, William R., *comp.* Documents in relation to charges preferred by Stephen J. Field and others before the House of assembly of the state of California, against William R. Turner, district judge of the Eighth judicial district of California. 1851.

San Francisco: Printed at the Franklin book and job office, 1853. 29 pp. 12°.

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HORACE GRAY

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(*In* Green bag, vol. 14, Sept., 1902, pp. 403–407.)

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ROBERT COOPER GRIER

Brown, David Paul. Robert Cooper Grier, LL. D.

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Livingston, John. Hon. Robert C. Grier.

(*In his* Portraits of eminent Americans now living, vol. 2, pp. 813–817. New York, 1853. 8°.)

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See also page 8. (Carson, H. L.)
See also page 50. (United States. *Supreme Court.*)

JOHN MARSHALL HARLAN.

Dinner to Mr. Justice Harlan in celebration of his completion of twenty-five years of judicial service.

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ROBERT HANSON HARRISON

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See also page 50. (U. S. *Supreme Court.*)

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